



M/562

Brussels, 30.9.2019
C(2019) 6634 final

COMMISSION IMPLEMENTING DECISION

of 30.9.2019

on a standardisation request to the European Committee for Standardisation and the European Committee for Electrotechnical Standardisation as regards explosives for civil uses in support of Directive 2014/28/EU

Only the English, French and German texts are authentic

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council¹, and in particular Article 10(1) thereof,

Whereas:

- (1) Directive 2014/28/EU of the European Parliament and of the Council² lays down rules on the harmonisation of the laws of the Member States relating to the making available on the market and supervision of explosives for civil uses. It also contains rules on the CE marking and the essential safety requirements.
- (2) In accordance with Article 19 of Directive 2014/28/EU, explosives which are in conformity with harmonised standards or parts thereof the references of which have been published in the *Official Journal of the European Union* shall be presumed to be in conformity with the essential safety requirements of that Directive covered by those standards or parts thereof.
- (3) Voluntary harmonised standards should help to ensure a high level of protection of the health and safety of workers and other users of explosives as well as the general public throughout the Union and thus contribute free movement of explosives for civil uses in the Union.
- (4) Given that such standards are technology-neutral and performance-based, they also contribute to ensuring equal conditions of competition among relevant economic operators dealing with explosives for civil uses, in particular small and medium-sized enterprises.
- (5) Several harmonised standards have been drafted by CEN, in cooperation with Cenelec, in support of Directive 93/15/EEC on the basis of standardisation mandate M/055 of 1994 in the field of explosives for civil uses.

¹ OJ L 316, 14.11.2012, p. 12.

² Directive 2014/28/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market and supervision of explosives for civil uses (recast) (OJ L 96, 29.3.2014, p. 1).

- (6) All of the existing harmonised standards supporting the Directive 2014/28/EU as set out in table 2 of Annex I to this Decision, should be revised to complement their technical content in order to match the current technological developments pursuant to point 3.2 of Annex II to this Decision. In addition, all these existing harmonised standards should be updated to precisely indicate those essential safety requirements of Directive 2014/28/EU that they aim to cover.
- (7) It is also necessary to develop new harmonised standards and standardisation deliverables as set out in table 1 of Annex I to this Decision, because new technologies, such as electronic devices, remote firing systems and mobile manufacturing systems, are increasingly present in civil explosives and their production as set out in detail in point 2.2 of Annex II to this Decision.
- (8) The intention to request drafting of harmonised standards and European standardisation deliverables in support of a deeper and fairer internal market with a strengthened industrial base is stated on point 21 of the Annex to the annual Union work programme for European standardisation³ for 2018.
- (9) CEN and Cenelec have indicated that the work covered by the request falls within their area of competence.
- (10) It is appropriate to interpret and apply the essential safety requirements of Directive 2014/28/EC in such a way as to take into account the state of the art and current practice at the time of design and manufacture, as well as to present a minimal risk to the safety of human life and health, and to prevent damage to property and the environment under normal, foreseeable conditions, in particular as regards the safety rules and standard practices until it is used.
- (11) It is therefore appropriate to request CEN and Cenelec to draft new harmonised standards and European standardisation deliverables and to revise the existing harmonised standards in support of Directive 2014/28/EU. Those standards should be adopted by the deadlines set in this Decision. Given that the execution of the request may require more time than initially anticipated, it may be necessary to extend those deadlines taking into account the progress made in the implementation of the work programme prepared by CEN and Cenelec for the execution of the request. It may therefore be necessary to review the respective deadlines accordingly.
- (12) Recalling that all relevant interested parties, including the Member States and the European stakeholder organisations receiving Union financing in accordance with Regulation (EU) No 1025/2012, may identify needs to develop additional standards, it may be necessary to consider adding new items to the list of standards set out in Annex I to this Decision. It may therefore be necessary to adjust the scope of this request accordingly.
- (13) Harmonised standards should include detailed technical specifications of the essential safety requirements, especially with respect to the design, manufacture and supply of explosives for civil uses, and taking into account their foreseeable handling conditions and their intended use. They should also indicate clearly correspondence between technical specifications and the essential safety requirements they aim to cover. They should also be based on risk assessment and risk reduction methodologies and reflect the generally acknowledged state of the art.

³ COM(2017) 453 final of 25 August 2017.

- (14) The European standardisation organisations (ESO) have agreed to follow the Guidelines for the execution of standardisation requests. In order to ensure transparency and facilitate the execution of the requested standardisation activities CEN and Cenelec should prepare a work programme and submit it to the Commission.
- (15) In order to enable the Commission to better monitor the requested standardisation work, CEN and Cenelec should provide the Commission with access to an overall project plan containing detailed information on the execution of the standardisation request. CEN and Cenelec should promptly inform the Commission if they consider that additional standards would need to be developed or if they consider that more time is necessary for the execution of this request.
- (16) Information as to which essential safety requirements are covered by a harmonised standard is necessary when assessing, in accordance with Article 10(5) of Regulation (EU) No 1025/2012, the compliance of the documents drafted by ESOs. Such information is also necessary before publication of references of harmonised standards in the *Official Journal of the European Union* in accordance with Article 10(6) of Regulation (EU) No 1025/2012. In each harmonised standard CEN and Cenelec should therefore describe the extent to which it aims to cover one or several essential safety requirements set out in Directive 2014/28/EU.
- (17) In accordance with Article 10(3) of Regulation (EU) No 1025/2012, each standardisation request is subject to acceptance by the relevant European standardisation organisation. It is therefore necessary to provide for the rules on validity of this request if it is not accepted by CEN or Cenelec.
- (18) In order to ensure legal certainty as to the validity of the request after its execution, it is appropriate to provide for a date of expiry of this Decision. Given that the execution of the request may require more time than initially foreseen, it may be necessary to extend the date of expiry taking into account the progress made in the implementation of the work programme prepared by CEN and Cenelec for the execution of the request.
- (19) Given that this Decision provides for a basis to draft and revise harmonised standards in support of Directive 2014/28/EU for explosives for civil uses, it is appropriate to provide for the end of validity of the standardisation mandate M/055 as of the date when this Decision enters into force.
- (20) The European standardisation organisations, the European stakeholders' organisations receiving Union financing, the Group of Experts on Explosives, the Administrative Cooperation Group on Civil Explosives and the Forum of Notified Bodies for Civil Explosives have been consulted.
- (21) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 22 of Regulation (EU) No 1025/2012,

HAS ADOPTED THIS DECISION:

Article 1

Requested standardisation activities

The European Committee for Standardisation (CEN) and the European Committee for Electrotechnical Standardisation (Cenelec) are requested to draft new harmonised standards and European standardisation deliverables listed in Table 1 of Annex I to this Decision and to revise existing harmonised standards listed in Table 2 of Annex I to this Decision in support of Directive 2014/28/EU for explosives for civil uses by the deadlines set in that Annex.

The standards and European standardisation deliverables referred to in the first paragraph shall meet the requirements set out in Annex II.

Article 2 *Work programme*

CEN and Cenelec shall prepare a draft joint work programme indicating all the standards and European standardisation deliverables referred to in the first paragraph of Article 1, the responsible technical bodies and a timetable for the execution of the requested standardisation activities in line with the deadlines set out in Annex I.

CEN and Cenelec shall submit the draft joint work programme to the Commission by 1 April 2020 and provide it with access to an overall project plan.

CEN and Cenelec shall inform the Commission of any amendments to the joint work programme.

Article 3 *Reporting*

CEN and Cenelec shall report annually to the Commission on the execution of the request referred to in Article 1 indicating the progress made in implementation of the work programme referred to in Article 2.

They shall submit the first joint annual report to the Commission by 1 October 2020.

Subsequent joint annual reports shall be submitted by 1 October each year.

CEN and Cenelec shall provide the Commission with the joint final report by 1 April 2025.

Without prejudice to the reporting obligations set out in the first and fourth paragraphs, CEN and Cenelec shall promptly report to the Commission any major concerns relating to the scope of the request referred to in Article 1 and the deadlines set out in Annex I.

Article 4 *Harmonised standards*

CEN and Cenelec shall include in each harmonised standard a clear and precise description of the relationship between its content and the corresponding essential safety requirements set out in Annex II of the Directive 2014/28/EU that it aims to cover. Each harmonised standard developed and revised on the basis of the request referred to in Article 1 of this Decision shall refer to this Decision.

CEN and Cenelec shall include in each revised standard information on significant changes that were introduced in that standard.

CEN and Cenelec shall provide the Commission with the titles of the requested standards in all the official languages of the Union.

Article 5 *Validity of the standardisation request*

If CEN or Cenelec do not accept the request referred to in Article 1 within a month of receiving it, the request may not constitute a basis for the standardisation activities referred to in that Article.

This Decision shall expire on 2 October 2026.

Article 6
Expiry of existing standardisation mandate

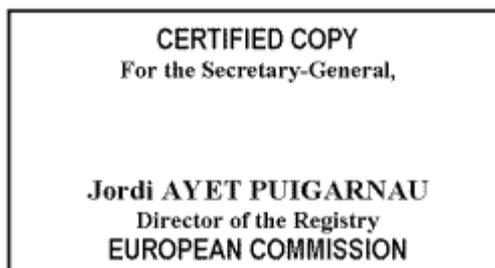
Standardisation request M/055 shall expire on 1 November 2019.

Article 7
Addressees

This Decision is addressed to the European Committee for Standardisation and the European Committee for Electrotechnical Standardisation.

Done at Brussels, 30.9.2019

For the Commission
Elżbieta BIEŃKOWSKA
Member of the Commission





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ANNEXES 1 to 2

ANNEXES

to the

Commission Implementing Decision

on a standardisation request to the European Committee for Standardisation and the European Committee for Electrotechnical Standardisation as regards explosives for civil uses in support of Directive 2014/28/EU

ANNEX I

List of new harmonised standards and European standardisation deliverables to be drafted, list of existing harmonised standards to be revised and deadlines for their adoption

Table 1: List of new harmonised standards and European standardisation deliverables to be drafted and deadlines for their adoption

Reference information		Deadline for the adoption ¹ by the ESOs
1.	European standard based on CEN/TS 13763-27 to cover electronic detonators including remote firing systems	48 months after notification of this Decision to the ESOs 1 October 2023.
2.	Technical Specification on assessment of on-site mixed explosives and associated manufacturing units	36 months after notification of this Decision to the ESOs 1 October 2022.

Table 2: List of existing harmonised standards to be revised and deadlines for their adoption

Reference information		Deadline for the adoption by the ESOs
	Harmonised standards in the list of references of harmonised standards under Commission Communication 2017/C118/02 published in the <i>Official Journal of the European Union</i> ²	
	1. EN 13630 Parts 1-9, 11, 12 2. EN 13631 Parts 1,3,4, 7, 10-13, 15, 16 3. EN 13763 Parts 4-9, 11-12, 15-16, 18, 20-25 4. EN 13857 Parts 1 and 3 5. EN 13938 Parts 1-3, 5, 7	36 months after notification of this Decision to the ESOs 1 October 2022.
	6. EN 13763 Part 1 7. EN 13763 Part 13 8. EN 13938 Part 4	48 months after notification of this Decision to the ESOs 1 October 2023.
	9. EN 13630 Part 10 10. EN 13631 Parts 2, 5 and 6	60 months after notification of this Decision to the ESOs

¹ 'Adoption' refers to the relevant European standardisation organisation making an adopted standard available to its members or the public.

² Commission communication in the framework of the implementation of Directive 2014/28/EU of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market and supervision of explosives for civil uses (Publication of titles and references of harmonised standards under Union harmonisation legislation), (OJ C 118, 12.4.2017, p. 4).

	11. EN 13631 Part 14 12. EN 13763 Parts 2 and 3 13. EN 13763 Parts 17 and 19	1 October 2024.
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ANNEX II

Requirements for the harmonised standards and European standardisation deliverables

1. GENERAL REQUIREMENTS FOR STANDARDS LISTED IN ANNEX I

1.1. Legal requirements to be supported by the harmonised standards

The harmonised standards shall support application of relevant essential safety requirements referred to in Article 5 and set out in Annex II to Directive 2014/28/EU.

The harmonised standards shall provide detailed technical specifications with regard to the design, manufacture, handling and use of explosives for civil uses with the purpose of allowing compliance with relevant essential safety requirements of that Directive.

The structure of a harmonised standard shall be such that a clear distinction can be made between its clauses and sub-clauses which are necessary for compliance with the essential safety requirements and those which are not. The essential safety requirements shall be taken into account from the beginning and throughout the entire process of developing of standards.

1.2. Legal requirements to be covered by an individual harmonised standard

When a harmonised standard does not cover all the essential safety requirements, which are applicable to the explosives for civil uses falling under its scope, the standard shall indicate the requirements applicable to those explosives that are not covered by it. Where a harmonised standard contains technical specifications which do not support conformity with essential safety requirements set out in Annex II to Directive 2014/28/EU, such technical specifications shall be clearly distinguished from the specifications supporting the essential safety requirements or preferably given in a separate part of a standard or in separate standard.

2. SPECIFIC REQUIREMENTS FOR DRAFTING NEW HARMONISED STANDARDS AND EUROPEAN STANDARDISATION DELIVERABLES LISTED IN TABLE 1 OF ANNEX I

2.1. Requirements for all harmonised standards and European standardisation deliverables

Standards and standardisation deliverables shall reflect the generally acknowledged state of the art to contribute to minimal risk to the safety of human life and health, and to prevent damage to property and the environment under normal, foreseeable conditions, in particular as regards the safety rules and standard practices until it is used.

2.2. Requirements for specific harmonised standards and European standardisation deliverables

2.2.1. Standards on electronic detonators including remote firing systems listed in point 1 of Table 1 of Annex I

The harmonised standard(s) shall describe the technical solutions to ensure that essential requirements established in point 3.3 of Annex II of Directive 2014/28/EU are fulfilled as well as demonstrate that the method of initiation will be safe, reliable and lead to complete detonation or deflagration, as appropriate, of the blasting explosive.

Detonators, where within the detonator shell an electronic circuit is included, have become more and more available. Such electronic circuits allow for higher accuracy in delay timing and also allow more sophisticated communication protocols between programming unit and

the detonator. The essential safety requirements of Directive 2014/28/EU require "to ensure maximum safety and reliability", both aspects which are not fully addressed by the current standards. Communication protocols are currently not formal part of safety considerations and electronic circuits may show sensitivities not addressed so far.

Although some "Remote firing systems"³ operate at a level without contact to explosives themselves, more advanced technologies combine radio receivers with a detonator or booster charge to a single unit. Faults in remote firing systems in connection with explosives can cause significant injuries. Therefore, the essential safety requirements of Directive 2014/28/EU shall be applied, no matter whether components of firing systems for explosives incorporate explosives or not. Industry has been developing technical solutions for many years and is exercising "due care", whereas a harmonised safety standard is not available.

Electronic detonators are already addressed in CEN/TS 13763-27, which shall be the basis for a new standard to be developed. The focus of this new standard shall be on testing and verification of requirements related to safety of the firing system while trying to control untimely ignition.

2.2.2. *Standards listed in point 2 of Table 1 of Annex I*

This Technical Specification shall address the requirements established in Directive 2014/28/EU related to explosives manufactured on-site and associated manufacturing units.

Such manufacturing units are production facilities which are used on-site and contain raw materials with all necessary production machinery. This technology has become more and more frequent in infrastructure and mining, not only for economic reasons but also, quite importantly, for the higher safety of handling of such explosives.

The assessment of the conformity in the production phase requires a different approach than in a stationary manufacturing with access to a laboratory. The approach to verification must be simple and robust, given the conditions of manufacturing on-site.

3. SPECIFIC REQUIREMENTS FOR REVISION OF EXISTING HARMONISED STANDARDS REFERRED TO IN TABLE 2 OF ANNEX I

3.1. Requirements for all harmonised standards

Standards shall reflect the generally acknowledged state of the art.

³ Remote firing systems: A system where a device ("controller") is remotely controlling (by wire or wireless) another device ("remote blaster") which is used to initiate the detonators or forms a single unit with the detonator. The "controller" and the "remote blaster" have independent energy sources. Initiation of the blast takes place by transmission of information between both. The detonators by themselves can be electric, non-electric, or electronic detonators. As a safety feature in conventional (non-remote) firing systems the shot-firer can technically separate at any time the initiation train from the energy source, which is needed to effect the firing of the detonators. This is an essential safety element to prevent accidents, which can occur from untimely firing of the blast. Any kind of remote firing system needs to be designed in such a way that control over initiating remains reliable for the shot-firer, also when the shot-firer has no physical access to the initiation train.

3.2. Requirements for specific existing harmonised standards

3.2.1. Standards referred to in Table 2 of Annex I

The following standards shall be revised, as a minimum, to indicate those essential requirements set out in Annex II to 2014/28/EU they aim to cover:

- EN 13630 Parts 1-9, 11, 12
- EN 13631 Parts 1,3,4, 7, 10-13, 15, 16
- EN 13763 Parts 4-9, 11-12, 15-16, 18, 20-25
- EN 13857 Parts 1 and 3
- EN 13938 Parts 1-3, 5, 7

The following standards shall be revised to indicate those essential requirements set out in Annex II to 2014/28/EU they aim to cover.

- EN 13763 Part 1
- EN 13763 Part 13
- EN 13938 Part 4

In addition, the following technical revisions shall be made: In EN 13763 Part 1, the example shall be corrected, in EN 13763 Part 13 the new tolerance value shall be established, in EN 13938 Part 4 the means of initiation shall be amended.

The following standards shall be revised to indicate those essential requirements set out in Annex II to 2014/28/EU they aim to cover:

- EN 13630 Part 10
- EN 13631 Parts 2, 5 and 6
- EN 13631 Part 14
- EN 13763 Parts 2 and 3
- EN 13763 Parts 17 and 19

In addition, in EN 13630 Part 10 an alternative method to prove successful initiation shall be provided, in EN 13631 Part 2 the test procedure shall be amended for clarification purposes, in EN 13631 Parts 5 and 6 a solution shall be found to address the discrepancy between the nominal and tested water resistance, in EN 13631 Part 14 a new, more modern measurement methodology for velocity shall be included, in EN 13763 Parts 2 and 3 the test procedure shall be amended so that it has wider applicability, in EN 13763 Parts 17 and 19 the statistical procedure and the electrical parameters shall be adjusted.